

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CHARLES E. WAMSLEY,

Appellant,

v.

**CIVIL ACTION NO. 2:06 CV 41
(Maxwell)**

**W CLARKSON McDOW, JR.,
U.S. Trustee Region Four,**

Appellee.

ORDER

On July 19, 2006, the Court referred this bankruptcy appeal to United States Magistrate Judge John S. Kaull, pursuant to 28 U.S.C. § 636(b)(1)(B), Rule 72(b) of the Federal Rules of Civil Procedure and Local Rule 7.02(c), with directions to consider the same and to submit to the Court proposed findings of fact and a recommendation for disposition. On October 2, 2006, Magistrate Judge Kaull filed his Report and Recommendation wherein the parties were directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. No objections have been filed.

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised in the appellant and appellee briefs were thoroughly considered by Magistrate Judge Kaull in his Report and Recommendation. The Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the proposed Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action. Therefore, it is

ORDERED that Magistrate Judge Kaull's Report and Recommendation be, and hereby is, accepted in whole and that this bankruptcy appeal be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

ORDERED that the order of the United States Bankruptcy Court for the Northern District of West Virginia revoking Appellant's discharge and denying discharge be, and the same hereby is, **VACATED**. It is further

ORDERED that this matter be **REMANDED** to the Bankruptcy Court for further consideration consistent with the Magistrate Judge's Report and Recommendation. It is further

ORDERED that this civil action be, and the same hereby is, **DISMISSED** and **STRICKEN** from the active docket of this Court.

Enter: October 19th, 2006

/s/Robert E. Maxwell
United States District Judge